



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8, MONTANA OFFICE

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Ref: 8MO

~~draft February 26, 2014~~ ~~Change date~~ March 7, 2014

John W. Ray, Ph.D.  
915 West Galena St.  
Butte, MT 59701

Dear Dr. Ray:

This letter responds to ~~Thank you for your February 17, 2014 email, and~~ attachment titled "EJ Complaint—Butte Health Study" ~~and your March 2, 2014 email.~~ The United States Environmental Protection Agency (EPA) takes very seriously your complaints and concerns and its mission to promote environmental justice. I assure you that EPA has taken great care throughout the Superfund cleanup process in Butte to identify and address environmental justice issues and respond to environmental justice concerns. Specific responses to you have been provided on several occasions regarding your environmental justice concerns discussing in detail EPA's ongoing efforts to identify and address environmental justice issues related to the Superfund cleanup in Butte. Your complaint/concern is that, "contrary to the EPA (the Environmental Protection Agency) mandate to promote environmental justice in all of its activities, the Montana Office of EPA has failed to address environmental justice (EJ) issues as part of their mandated health study." The complaint/concern is then expanded under Discussion part III to include:

1. No low-income citizens have been part of the process. For example, no low-income citizens serve on the health study advisory board. No attempt has been made by EPA to survey or assess the needs or wants of low-income citizens in terms of the health study. No meetings have been held in venues conducive to participation by low-income citizens. In short, low-income citizens have been ignored.
2. No special outreach has been conducted to involve low-income citizens in the process.
3. The study has failed to consider the differential impacts of the toxics of concern on low-income citizens who are particularly susceptible to the harmful health effects of exposure to the toxics of concern in the Butte Priority Soils Operable Unit.

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4. The EPA's community involvement plan activities vis-a-vis the health study fail to articulate any strategy, tactics or actions directed at involving low-income citizens in EPA decision-making regarding the health study.

5. The Montana Office of EPA has consistently ignored environmental justice considerations.

\* I ask that the EPA mandate to include environmental justice considerations in all of its activities be enforced in terms of the EPA-mandated health study in Butte.

\* I ask that the Montana Office of EPA develop a specific community involvement plan regarding Superfund decision-making for low-income citizens in Butte.

\* I ask that the Montana Office of EPA undergo training in the EPA's environmental justice requirements as the office often seems oblivious to these requirements.

I first want to reference you to the detailed EJ complaint responses that EPA<sup>1</sup> EPA. The Montana Office has worked closely with the Region 8 Environmental Justice Program to carefully evaluate and respond to your concerns.

has issued you over time sent to you in response to similar prior complaints. More specifically, I would ask you to reflect on the commitment requirements of The Butte Residential Metals Abatement Program (RMAP) Plan and its multi-pathway approach were developed to the conclusion that the Multi-Pathway Residential Metals Abatement Program Plan will not result in a disproportionate impact upon the low-income residents and that, therefore, the RMAP plan addresses EPA's Environmental justice mandate as established in Executive Order 12898 (January 12, 2010). The RMAP accomplishes this by implementing a protective human health standard that takes into account behaviors associated with low income people in the assumptions used to calculate that standard, and it details specific efforts to reach low income property owners and renters.

Consistently, for many years now, the RMAP, which is the focus of the Draft Final Public Health Study Phase I, has been systematically sampling, assessing, and remediating all residential properties within the Butte Priority Soils operable unit (BPSOU) and the adjacent area, including to include all of the low-income communities. EPA continues to oversee the RMAP implementation effort and will continue to promote Environmental Justice in all of its activities. Furthermore, since work has begun at the site, EPA has incorporated EJ environmental justice into public community involvement activities associated with the RMAP and the Health Study. These efforts are detailed. You can read more about this in the revised

<sup>1</sup> In response to prior EJ complaints from Dr. John Ray, EPA issued detailed EJ complaint responses on August 2, 2004; August 23, 2005; December 26, 2006; January 23, 2007; January 12, 2010; and October 4, 2012.

Community Involvement Plan, February 2013, in section 2.6. This section will give you an idea provides a good summary of what has been done historically and what continues to be done today. I wish to once again express my appreciation for your assistance in revising the Community Involvement Plan and for your participation and involvement in the development of the work plan for the Public Health Study.

Responding to your more specific complaints listed under Discussion part III, is disquieting, considering that you are the president of CTEC and have been involved throughout the Health Study process, you are aware of the active working group and the commitment from the team including CTEC's own technical advisor Steve Ackerlund. However, it is in our best interest to remind you of what has been done and will continue to be done.

4. Throughout the cleanup process, EPA has worked closely with the Butte-Silver Bow County Health Department to develop and implement specific outreach efforts for EPA believes that socioeconomically disadvantaged low-income citizens and children potentially at higher risk for exposure to environmental contaminants have not been ignored and if you know of someone that feels that way, please give them my phone number and I will make sure that their concerns are addressed. Please refer to the EPA's October 4, 2012 response to comments letter (attached) to better understand describes the Health Study process and how low-income citizen environmental justice concerns were not ignored addressed in its scoring and development. Furthermore, refer to the attached press release for describes the specifics of the next public meeting intended to solicit additional public comment on the Health Study. Please note that the meeting location was suggested by the local TAG citizens group (of which you are the president) and technical assistance grant recipient, CTEC, and that the release is distributed in the Montana Standard, Butte Weekly (free paper), and is available online.

2. EPA has consistently met its environmental justice mandate at the Butte site. EPA will continue to promote and include environmental justice in all Superfund activities. Specific activities to address environmental justice issues in Butte are described in EPA's October 4, 2012 response letter and the February 2013 Revised Community Involvement Plan. Please refer to the Health Study Workplan, Draft Final Health Study Phase 1, Revised February 2013 Community Involvement Plan, response letters, as well as various press releases, party line interviews, the RMAP, and past information provided to CTEC for all provide further information on outreach conducted to involve community members including low income citizens.

The primary study objective to be addressed by phase 1 of the health study is the review and evaluation of available RMAP data that have been collected to date in order to objectively document the efficacy of the RMAP and identify any areas where improvement to activities conducted via the RMAP may be needed. The majority of the blood lead data in the current health study came from patients recruited for regular blood lead testing through Butte-Silver Bow County's the Women, Infants, and Children (WIC) program in Butte.<sup>7</sup>

<sup>7</sup> The qualification for WIC is 175% of the federal poverty level or below. However, county blood lead records include those from WIC clients as well as from individuals referred via the RMAP and local physicians.

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Please refer to section 1.1 of the Study Background and Development Process in the Draft Final Health Study Phase 1 states that. Although the Draft Final Public Health Study Phase 1 is not a decision document, it is EPA's commitment to the concerns of all citizens of Butte that their voices are heard and addressed. EPA promotes equal access to public information and participation in matters relating to human health and the environment and specifically through the current health study process.

4. EPA has a strong commitment to continue to include environmental justice considerations in the Public Health Study. With your assistance, the Montana Office has developed and revised its Community Involvement Plan specifically to address environmental justice concerns and to engage all community members in Butte.

5. The Montana Office of EPA believes we have consistently meet the EJ mandate and more. EPA will continue to promote and include EJ in all Superfund activities. Please refer to the October 4, 2012 response letter and the February 2013 CIP for further guidance on how the Montana Office has not ignored EJ.

6.

\* The health study and activities in Butte will continue to include environmental justice considerations.

\* The Montana Office of EPA has developed and revised a specific community involvement plan to engage all community members of Butte.

\* EPA has ongoing environmental justice training requirements for staff, with which The Montana Office complies to ensure that all staff are of EPA continues to be educated in EJ in compliance with EPA training requirements, and is fully aware of EJ environmental justice concerns and the requirements under Executive Order 12898. The Montana Office will continue to make EJ environmental justice a priority in part of our mission with the goal of ensuring that all residents in the community of Butte are equally protected from adverse environmental effects or impacts.

Thank you again for your comments and concerns. If you have any questions or if you require additional information, please contact me at (406) 457-5019 or [greenenikia@epa.gov](mailto:greenenikia@epa.gov).

Please provide any constructive suggestions to be considered as it pertains to EJ in Butte.

Sincerely,

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Nikia Greene  
Remedial Project Manager

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\*In response to prior EJ complaints of similar nature from you, EPA has issued detailed EJ complaint responses to you on August 2, 2004; August 25, 2005; December 26, 2006; January 23, 2007; January 12, 2010; and October 4, 2012.

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cc: .....

Sara Sparks, EPA  
Libby Faulk, EPA  
Joe Vranka, EPA  
Julie DalSoglio, EPA  
Joe Griffin, DEQ  
Henry Elsen, EPA  
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Karen Sullivan, BSB HD  
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